(8)

C.S. 1007

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.No. 1867 /2004

PETITIONER : Smt. Neelam Agarwal,
W/o Shri Bal Krishna Agarwal,
Aged about 34 years,
Occupation- Business, R/o 24,
Doongaji Colony, Raipur (C.G.).

-Versus –

RESPONDENTS : 1. State of Chhattisgarh,
Through Secretary, Department of
Housing and Environment, Mantralaya,
Raipur (C.G.).
2. Collector,
Raipur (C.G.).
3. Director,
Town & Country Planning,
Raipur (C.G.)
4. Municipal Corporation, Raipur,
Through its Commissioner,
Corporate Building,
Raipur (C.G.).

RECEIVED COPY 2-7-04 (W) Clerk to A.G. Bilaspur

P.R. No. ..... Presented by Shri Indrajeet Sahu ..... dated .....

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUION OF INDIA FOR ISSUANCE OF A SUITABLE WRIT, ORDER OR DIRECTION TO DO JUSTICE IN THE MATTER.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.1867 **सन्** 200 4

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

11.04.2005: -

Shri Rajeev Shrivastava, learned counsel for the petitioner.

Shri Yashwant Singh, learned G.A. for the State/respondents No. 1 to 3.

Shri H.B.Agrawal, learned Sr. Advocate with Smt. Usha Chandrakar, learned counsel for respondent No.4.

The petitioner has filed the instant petition on the allegations that she is the owner of the property and building situated in the disputed land and the respondents are orally threatening the petitioner to evict her from the premises, on the charge that her possession is that of encroacher, without following the procedure prescribed under the law but only on the ground of political vendetta.

This Court vide order dated 17.12.2004 had passed an interim order to the effect that the respondents shall not demolish the structure without following the prescribed procedure established under the law till the next date of hearing. In the meanwhile, the respondent No.4 i.e. Municipal Corporation, Raipur in his reply has submitted that the husband of the petitioner has encroached upon the land of the Corporation bearing Khasra No. 221/01 admeasuring 225 x 20 meter and 40 x 140 meter and thus, has encroached upon 1,01,000 square meter land.

However, it is submitted by the respondents that no eviction proceedings shall be initiated against the petitioner without following the procedure prescribed under the law and before initiating any proceedings, the petitioner will be afforded due opportunity to put up her case.

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(पीछे देखिये)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 1867 सन् 2004

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

In view of the above submission of counsel for the respondents that the petitioner shall not be evicted from the disputed land without following the procedure prescribed under the law, I am of the opinion that the instant petition should be disposed of with a liberty to the petitioner to file appropriate proceedings available under the law in the event of new cause of action against the respondents.

With the aforesaid observations, the petition stands disposed of.

Sd/-
DHIRENDRA MISHRA
Judge

(पीछे देखिये)

18.1.05 19.1.05 20.1.05